



REPUBLIC OF KENYA

**STATEMENT BY THE PRINCIPAL SECRETARY
FOR THE STATE DEPARTMENT OF PUBLIC
WORKS**

**MR. JOEL ARUMOYANG
DURING THE LAUNCH OF THE NATIONAL
BUILDING CODE 2024 AND THE
COMMISSIONING OF THE MOBILE
CONSTRUCTION MATERIALS TESTING
LABORATORIES**

JULY 17, 2024

**SOCIAL HOUSING PROJECT AT THE
METEOROLOGICAL SITE, NAIROBI**

1. **Ladies and Gentlemen**, this is indeed a critical milestone achieved in our country history since it has taken us almost 56 years to repeal the 1968 building code and develop a National building code for the construction industry. From the onset, I want to thank The Ministry of Lands, Public Works, Housing and Urban Development, for the commendable work you are doing to change the building construction industry landscape in Kenya. I also wish to thank all key players who have made significant and selfless contribution towards the realization of the National Building Code 2024.
2. Experience has proved that government must act in the protection of the public to control the operations of the ignorant, the incompetent, and the unscrupulous in the construction field. Fire, collapse, and other sources of injury and even death traceable to imperfect construction occur frequently enough to remind us that trouble can occur even when regulations are in effect to prevent it. What could happen in the absence of such regulations, or in the event of regulations so weakened that they become inadequate, can readily be imagined (Bulleit, 2012). Government must therefore act through the development of the Building code and other regulations to support the construction industry.
3. The Construction sector is one of the leading drivers of Kenya's Economy. The built environment shapes the form and appearance of Urban Environment and Houses millions of residents. In the city of Nairobi and other Urban areas, construction industry is a major source of Employment. Construction sector plays key role in contributing towards addressing the National Housing Stock demands for Urban housing which currently stands at 200,000 units per annum.
4. Construction industry accounts for about 3 to 10 percent of the

gross domestic product (GDP), and for 50 to 60 percent of gross fixed capital formation in majority of countries (Turin,1973, Edmonds, 1979). It is important to note that the sector is faced with a number of challenges key among them being: Collapsing of buildings; Buildings constructed without approvals; Buildings constructed without regard to Urban Planning guidelines, laws and orders; Buildings constructed contrary to approved plans; Failure to apply for development permission/Occupation of completed building without occupation certificate; Increased number of slums; Increased population in urban centers; Aging estates and infrastructure; Increased waste and garbage; Uncontrolled waste disposal resulting into pollution of rivers and the environment.

5. These challenges have been properly addressed within the framework of the National Building Code 2024 and Planning and land use regulation, Multi-Sectoral Approach, Inspection and Audit Services, Material Testing, Capacity Building for County Governments and Public Sensitization Programs.
6. Building codes have been existing in some form for thousands of years. In 1772 B.C., the code of Hammurabi dictated that if a building collapsed and caused the death of the owner, the builder would be put to death. The Roman Empire created building codes following fatal building collapses in 64 A.D. A huge fire that destroyed nearly 15,000 buildings in 1666 led to the development of London's early building codes. In the United States, the great Chicago fire caused the death of 250 people, destroyed 17,000 structures and left around 100,000 people homeless in 1871. Four years later, the city enacted a new building code and fire-prevention ordinance.
7. As is often the case, building codes are the after-thought of a tragedy rather than a forethought of prevention. As cities grew and experienced their own disasters, building codes were developed based on individual experiences more than scientific knowledge. In 1905, the first nationally recognized U.S.

building code was established by the National Board of Fire Underwriters. This code regulated the type of building components that could be used in construction and did not allow for newly developed materials.

8. Over the centuries, building codes have evolved from regulations arising from tragic experiences to standards designed to prevent them. Modern building codes reflect a trajectory towards requirements that are based on established scientific and engineering principles. This allows for the reliance on measurable performance rather than the rigid specification of materials and methods.
9. Building and planning regulations are considered a powerful tool for increasing community resilience and reducing risk to disaster events (World Bank, 2015, Bernicat, 2015). The World Bank's Global Facility for Disaster Risk Reduction (GFDRR) (2016) aptly states: "Building code compliance saves lives", an indication of its intent to promote building code compliance. The importance of the Building code as a mechanism to protect life and build community resilience has become the focus of countries more recently (United Nations Economic and Social Commission for Asia and the Pacific [UNESCAP], 2012).
10. Ladies and Gentlemen, Kenya's first by-laws for building development controls were introduced in 1926. They were applied to the then Nairobi Town Council. These were then replaced by the Nairobi Council Building by-laws in 1948 which included town planning and zoning requirements. The first National Building Code was later adopted in 1968. It was a word-by-word replica of the then British Building Regulations.
11. Up until 2012, the Local Government Act (1968) mandated the enforcement of the 1968 building code. However, in 2012, as part of the process of devolution, the Local Government Act was repealed by the County Government Act. As a result, compliance to the 1968 code was not legally mandated. To

date, there has been no replacement and the 1968 building code remains the informal reference in the construction industry.

12. The 1968 building code is now over half a century old and, as such, does not reflect an up-to-date scientific understanding of building technology or evolving societal expectations. For example, the code does not have provisions for people with disabilities, digital connectivity, energy efficiency and disaster risk management, such as the inclusion of seismic load standards, wind speeds and flood resilient designs.
13. In 2009, in recognition of these limitations, the Government initiated the development of a new draft building code, referred to as the "Planning and Building Regulations, 2009." The draft building code was then updated in 2011 and was referred to as "National Building Regulations, 2011." In this updated draft, the second volume, that focused on spatial planning, was removed.
14. In 2020, in order to promote the ease of doing business, the Government through a legislative reform, amended the NCA Act 2011 to include the development and enforcement of the Building code. This paved the way to the finalization of the development of the New National Building Code 2024 which we are launching today.
15. Following the enactment of the amendments, the State Department for Public Works was charged with the process of revision of the Code and was responsible for mapping out the key stakeholders and appointment of the committee that was charged with collecting and collating comments from the various industry players and eventually ensured that a draft was presented to the Office of the Attorney General for legal drafting.
16. I thank both the National Assembly and the Senate for their

input during the prepublication scrutiny that enriched the document and for approving the Code after publication enabling us to be here today.

17. The review of the Code focused on whether the regulations: (i) reflect an up-to-date scientific understanding of building performance, including performance against chronic and natural disasters and climate change (ii) include provisions for disaster risk management, disabled access and energy efficiency (iii) are adapted for the Kenyan context, integrating safe use of local building materials and construction techniques. The processes for developing and updating the code were also reviewed to determine whether a participatory and Structured Process is in Place.
18. The National Building Code 2024 effectively replaces the outdated 1968 Building Code which has been in use since the colonial era. The 1968 Building Code had many shortcomings and could not adequately address the needs of a safer, secure, healthier, attractive and well-maintained built environment.
19. It remained static and failed to move in tandem with the trends and shifts in building industry, such as emerging technologies and materials, green building and buildings security intelligence.
Because of its prescriptive nature, the 1968 Building Code was one of the impediments to adequate supply of housing stock occasioned by a rapidly growing population.
20. In stark contrast to its predecessor, the National Building Code 2024 encourages innovation in use of materials and methods applied as long as they meet functional requirements and performance standards. It is informed by the Constitution of Kenya 2010, Vision 2030 and the Bottom-Up Economic Transformation Agenda (BETA).

21. Some of the envisaged benefits of the National Building Code 2024 consist of:- (i) Orderly and coordinated developments. (ii) Appreciation of appropriate building materials and technologies. (iii) Professional Maintenance of our building stock (iv) Accountability and responsibility within the built environment. (v) Utilization of professional services in the built sector.
22. Ladies and Gentlemen, The Salient Features of The National Building Code 2024 include the Following Thematic Areas: Siting and Space About Buildings; Parking Spaces; Preparation of Construction Sites; Building Materials; Structural Design; Spaces within Buildings; Lighting and Ventilation; Glazing and Cladding; Staircases, Lifts and Escalators; Roofs; Water Services, Drainage, Waste Disposal and Storm Water Drainage; Electrical Installations; Landscaping; Inspection and Maintenance; Non-Water Borne Waste Disposal; Refuse Disposal; Fire Safety and Fire Installations; Demolition of Buildings; Disaster Risk Management on Construction Sites; Access Roads, Cul-De-Sacs and Other Private Roads.
23. Ladies and Gentlemen, the National building code 2024 has promoted the climate change adaptation and green building standards with the several provisions focusing on; Energy Efficiency, Water Efficiency, Material Sustainability, Solid Waste Management, Site Sustainability, Indoor Environmental Quality, multi-hazard designs, digital connectivity, liquid petroleum gas (LPG) connections into buildings. National Construction Authority has been given the mandate to enforce the building code.
24. In addition to launching the National Building Code 2024, today we are also commissioning the Mobile Construction Materials Testing Laboratories, which have been acquired under the World Bank-funded Horn of Africa Gateway Development Project (HoAGDP) with the aim of strengthening the regulatory framework for the construction industry in Kenya.

25. The three fully kitted mobile testing laboratories which come with 11 sets of portable Non-Destructive Testing (NDT) Equipment will be used to support quality assurance activities, and for the investigation of construction failures and illicit construction materials. The laboratories and equipment will provide rapid response in the event of construction failure incidents by performing search, categorization and preliminary characterization of construction failures at the incident site, as well as collection of necessary evidence and samples for further examination.
26. Material testing is a must in all industries, particularly the construction industry. This is because an incorrect assessment of a material would ultimately be harmful to people and the environment. The infrastructural development of a nation, leads to the prosperity and growth of that country. Utilization of high-quality construction materials leads to high quality infrastructures. The quality of such materials should be assessed properly in an accepted laboratory, using standard test methods.
27. The key to reliable construction and infrastructure development is the civil engineering techniques, technologies, and most importantly the building/construction materials used. Construction materials include cement, aggregate, concrete, steel, various types of composite materials etc. Proper assessment of the properties of these materials is vital to ensure the quality and durability of the final housing product.
28. Testing for quality of construction materials is very important. Objective of testing construction materials is to provide an assurance to the user on the reliability and safety of the materials. Thus, construction materials testing laboratories make a useful contribution to national development through the

estimation of the quality of construction materials.

29. The Mobile Materials Testing Laboratories is therefore very important with the promulgation of the National Building Code 2024 today. This will significantly help in the quality control and quality assurance in the Construction Industry.
30. As we forge on with the Affordable Housing Project that is committed to delivering decent and affordable housing to low- and middle-income households, members of the public can rest assured that we are doing so in full compliance of the Code to ensure the safety and wellbeing of the residents and the longevity and adaptability of the properties.
31. Ladies and gentlemen, the next steps in the implementation of the National Building Code 2024 are clear. One is the publication by the responsible ministries of the Hazard Maps as prescribed for in the Code, clearly showing the areas most prone to seismic activity, heavy winds and flooding, which are to be considered whenever buildings are being constructed.
32. Two is the thorough stakeholder and public education and sensitization of the Building Code, its application and implementation across the country, to ensure full and complete adherence moving forward. The Ministry of Lands, Public Works, Housing and Urban Development will oversee these key steps which will ensure that the built environment continues to move from strength to strength towards the growth of our country's economy.
33. The Counties which are responsible for approval of building projects will have to ensure that they develop and retain sufficient capacity to implement the provisions set out in the code.

34. At the national level, the National Construction Authority which is the focal point for construction regulation will be required to provide the necessary coordination for all the players in the industry by undertaking capacity building for all the players including contractors, skilled construction workers and construction site supervisors to ensure that they roll out quality and safe construction works.
35. The National Building Code 2024 also becomes a critical training tool for our universities and technical & vocational training institutions; this means that the new crop of professionals and artisans coming into the job market the industry will be fully equipped to transform construction as we know it and contribute to the growth of our economy.
36. In conclusion Ladies and Gentlemen, The National Building Code 2024 will contribute to job creation in the entire construction industry value chain including manufacturers, construction workers, contractors, construction professionals and building maintenance professionals by providing a level and predictable playing field for all.
37. With those many remarks, I hereby declare the National Building Code 2024 officially Launched.

Thank you and God Bless Kenya.